

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

STEVIE PORTER,

Plaintiff,

v.

**Dep. Warden DONAVON HAMILTON,
*et al.,***

Defendants.

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Case No. 5:22-cv-61-TES-CHW

**Proceedings Under 42 U.S.C. §1983
Before the U.S. Magistrate Judge**

ORDER

Two defendants in this case, Doctors Fowles and Shepherd have yet to be served. (Docs. 1, 6, 10, 16). After an attempt at personal service by the United States Marshals Service was unsuccessful, the Court ordered Plaintiff to provide further service information for Doctor Shepherd, a dentist, and Doctor Fowles, a retired medical director. Responding officials at Georgia Diagnostic and Classification Prison (GDCP) denied that these doctors worked at the prison. (Docs. 26, 27, 30). Plaintiff has informed the Court that he is unable to provide further information concerning these Defendants except that he has seen Dr. Shepherd practicing at GDCP and that he believes the prison administration should be able to help locate Doctor Fowles. (Doc. 31).

As Plaintiff is proceeding *in forma pauperis*, the Court will construe Plaintiff's Response as a request for the issuance of a subpoena under Rule 45 of the Federal Rules of Civil Procedure. The Clerk of Court is **DIRECTED** to issue a subpoena to the custodian of records at the Georgia Department of Corrections, 300 Patrol Rd., Forsyth, GA 30129, directing the production of:

- (1) Any and all documents reflecting the full name and current or last known address of the employee or contractor, potentially known as Doctor Joseph Fowles, who is alleged to have been the medical director at Georgia Diagnostic

and Classifications Prison and employed by the Georgia Department of Corrections prior his retirement in Summer 2021. If Doctor Joseph Fowles is not the correct name of the former medical director, the Department will identify the correct name of the employee or contractor.

- (2) Any and all documents reflecting the full name and current or last known address of the employee or contractor, potentially known as Doctor Shepherd, who is alleged to have been a dentist or been providing dental care at Georgia Diagnostic and Classifications Prison in May 2021. If Doctor Shepherd is not the correct name of the dental care provider during this time period, the Department will identify the correct name of the employee or contractor.

The subpoena shall be served by the United States Marshals Service, along with a copy of this Order, and it shall further direct the recipient to produce the above-listed information for the inspection of the Court at the United States District Court for the Middle District of Georgia, Macon Division, 475 Mulberry Street, Macon, Georgia, within **TWENTY-ONE (21) DAYS** of the date of this Order. If the only available address is Doctors Fowles and Shepherd's home addresses, the Clerk of Court is directed to file that address under seal and to make it available to Court personnel only. If the recipient of the subpoena chooses to file electronically, he or she should file using the "notice" event and "ex parte document" in order to protect Doctor Fowles and Shepherd's privacy.

SO ORDERED, this 29th day of December, 2022.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge